UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,313	08/30/2001	Ryan Patrick Fong	10012952-1	2187

7590 04/21/2005		EXAMINER
HEWLETT-PACKARD COMPANY		TANG, KAREN C
Intellectual Property Administration		
P.O. Box 272400	ART UNIT	PAPER NUMBER
Fort Collins, CO 80527-2400	2151	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/944,313	FONG ET AL.
	Examiner	Art Unit
	Karen C Tang	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 August 2001_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _30 August 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _8/30/01_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-4, 6-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rowley et al hereinafter Rowley (US 2003/0009754).

1. Referring to Claims 1 and 8, Rowley discloses

a computer network to facilitate the intelligent deployment of one or more data

processing systems (refer to 0002 and 0011, and 0101), comprising:

one or more data processing systems to be intelligently deployed (supervisory process

control, refer to 0011);

one or more reference data processing systems containing deployment information

(management information system, refer to 0011 and 0148);

a means for transmission capable of conveying said deployment information to said one

or more data processing systems (transmit information, refer to 0011 and 0141);

a dedicated data process system containing deployment information copied from said

one or more reference data processing systems (refer to 0121, 0122 and 0143 - 0148),

wherein said dedicated data processing system conveys to said one or more data

processing systems over said means for transmission a package of deployment

information selected from said deployment information (refer to 0040), which is based

on said deployment information that was captured (refer to 0038), upon receiving a

command from a user (refer to 0037 and 0046 and 0141).

2. Referring to Claims 2, 9, and 15, Rowley discloses wherein said deployment

information in said memory is stored on a dedicated data processing system connected

to a computer network (0053, 0054, 0102 and 0143, 0151, and, 0156).

3. Referring to Claim 3, Rowley discloses wherein capturing said deployment

information includes refreshing said deployment information (refer to 0009, 0053, 0054,

and 0094).

4. Referring to Claims 4, 10 and 16, Rowley discloses wherein capturing said

deployment information includes referencing deployment information stored from a

previous instance of deployment of one or more data processing systems (0011, 0047,

0063).

5. Referring to Claims 6 and 12, Rowley discloses wherein said deployment information

includes a hardware potion of a configuration and a remaining portion of said

configuration, and said intelligently deploying can update said hardware portion of said

configuration on a data processing system of said one or more data processing systems

before software image deployment, without destructively modifying said remaining

portion of said configuration of said one or more data processing systems (refer to

0039, 0046, 0088-0091 and 0143-0149).

6. Referring to Claims 7 and 13, Rowley discloses wherein said deployment information

includes a hardware portion of a configuration and a remaining portion of said

configuration, and said intelligently deploying can update said hardware portion of said

configuration on a data processing system of said one or more data processing systems

that has already been configured without destructively modifying said remaining portion

of said configuration of said one or more data processing systems (refer to 0049, 0046,

0088-0091 and 0143-0149).

7. Referring to Claim 14, Rowley discloses a computer program (refer to 0011)

embodied on electronically-readable media (it is inherent that computer consists a

electronically-readable media, refer to 0006), containing instructions to facilitate the

deployment of one or more data processing systems (0046-0047), comprising: a

program code segment to capture deployment information from a reference data

processing system to deploy on said one or more data processing systems (), wherein

said deployment information is stored in a memory () a program code segment to select

said one or more data processing systems (refer to 0051); a program code segment to

select a package of said deployment information to be deployed on said one or more

data processing systems (refer to 0046-0051 and 0101-0103, and 0144); and a program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user (refer to 0046 and 0073, 0144), including program code to reference said package of said deployment information that is stored (refer to 0102) in said memory (it is inherent that computer consists an electronically-readable memory, refer to 0006).

8. Referring to Claim 17, Rowley discloses wherein said program code segment to select one or more data processing systems to be included in said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0051).

9. Referring to Claim 18, Rowley discloses wherein said program code segment to select a package of said deployment information to be deployed on said one or more data processing systems is executed on a data processing system coupled to a network of data processing systems (refer to 0046-0051 and 0101-0103, and 0144).

10. Referring to Claim 19, Rowley discloses wherein said program code segment to intelligently deploy said one or more data processing systems upon receiving a command from a user interacts with a network of data processing systems (refer to 0046 and 0073, 0144).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley

et al hereinafter Rowley (US 2003/0009754) in view of "Official Notice".

1. Referring to Claims 5 and 11, Rowley discloses operating system information (refer to

0131), application software package information (refer to 0063), user setting (refer to

0042), and configuration information system (refer to 0046).

Rowley does not expressly indicates disk drive partitions, disk drive settings, disk array

controller settings, PCI device settings, non-PCI device settings, firmware settings, fixed

code settings.

Official Notice is taken that the limitations narrowed by this claim are consider obvious

and furthermore a matter of design choice.

III. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Rowley et al hereinafter Rowley (US 2003/0009754) in view of Zoltan (US 6,529,917).

1. Referring to Claim 20, Rowley discloses the information are stored (refer to 0102)

and a computer is being used (it is inherent that computer consists an electronically-

readable memory, refer to 0006)

Rowley discloses does not discloses wherein said electronically-readable memory is a

non-volatile memory selected from the group of non-volatile memories consisting of: a

magnetic disk drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a

flash memory.

Zoltan (US 6,529,917) discloses electronically-readable memory is a non-volatile

memory selected from the group of non-volatile memories consisting of: a magnetic disk

drive, a magneto-optic disk drive, a floppy diskette, a compact disc, and a flash memory

(refer to Col 9, Lines 60-65 and Col 10, Lines 1-25).

At the time o the invention, it would have been obvious to a person of ordinary skill in

the art to combine Rowley and Zoltan.

The suggestion/motivation for doing so would have been that once the power is shut,

the data store on the external device would not be lost, for conveniences purpose.

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE

MONTH from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ZARNI MAUNG
SUPERVISORY PATENT EXAMINER